

Notice of Allowability

Application No.

09/491,810

Examiner

Tonia L. Meonske

Applicant(s)

SULLIVAN, THOMAS JUSTIN

Art Unit

2181

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed 1/13/06.
2. ☒ The allowed claim(s) is/are 16-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Supplementary

J. M. Fleming
FRITZ FLEMING
PRIMARY EXAMINER
GROUP 2100
42481
4/12/2006

DETAILED ACTION

Allowable Subject Matter

1. Claims 16-30 are allowed.
2. The following is an examiner's statement of reasons for allowance:
 - a. In claim 26, the argument presented in the appeal brief on page 6, lines 1-18, is found persuasive. Worley, alone or in combination, has not taught the limitation "*means for arranging a combination selected from a first MAC unit result, a second MAC unit result, and a representation of a specific exceptional condition responsive to a plurality of control signals, wherein the control signals direct whether the first MAC unit result and the second MAC unit result should be used or replaced by the representation of the specific exceptional condition, respectively*". Specifically the control signals in Worley, alone or in obvious combination with the prior art, never direct a combination of values, such as the claimed combination of the first AND second MAC unit results, to be used.
 - b. Regarding claim 20, Worley, alone or in combination, has not taught the limitation "*wherein the control signals direct whether the first MAC result and the second MAC result should be used or replaced by a representation of a specific exceptional condition*". Specifically the control signals in Worley, alone or in obvious combination with the prior art, never direct a combination of values, such as the claimed combination of the first AND second MAC unit results, to be used.
 - c. In claim 16, the argument presented in the appeal brief on page 7, lines 27-29, is found persuasive. Examiner equated M3 of Roussel to the claimed "*register coupled to the result bus and configured to latch the first MAC result*". Examiner also equated port

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3 labeled "Z" in Figure 4A of Worley to the claimed result bus. Claim 16 states that when the first control signal is asserted the MAC unit supplies the second MAC result onto the result bus, when the second control signal is asserted the first MAC result is driven from the register onto the result bus, and wherein when the second control signal is not asserted a miscellaneous-unit generated result is driven onto the result bus.

However, Roussel and Worley cannot be combined in this manner. In Roussel both the first and second MAC results are always driven onto the result bus simultaneously. Only one signal, i.e. a clock signal, not two control signals, such as the claimed first and second control signals, is necessary to drive the first and second MAC results onto the bus. Furthermore the first and second control signals are claimed to be responsive to at least one exceptional condition, however the control signal in Roussel is merely a clock signal controlling when to drive the result values onto the bus (column 4, lines 28-30). A clock signal cannot be responsive to an exceptional condition. Therefore, the combination of Roussel and Worley is not proper.

d. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonia L. Meonske whose telephone number is (571) 272-4170. The examiner can normally be reached on Monday-Friday, with every other Friday off.

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4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fritz Fleming can be reached on (571) 272-4145. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tlm

Fritz M. Fleming
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Supervisor PRIMARY EXAMINER 4/2/2006
GROUP 2100
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